

R. Parish

VIRGINIA ARGUS.

[NINTH YEAR]

A FREE PRESS MAINTAINS THE SOVEREIGNTY OF THE PEOPLE.

[No. 1875.]

RICHMOND:—PRINTED (ON THE EVENINGS OF MONDAY AND THURSDAY, BY SAMUEL PLEASANTS, PRINTER TO THE COMMONWEALTH.

[Four Dollars Per Annum—Paid in Advance.]

MONDAY, MAY 27, 1811.

[12 1-2 Cents Single.]

Richmond Price Current.

[CORRECTED WEEKLY.]

| | CASH. | D. C. |
|-------------------|--------|--------|
| Tobacco, [PRIME] | 4 11 | 4 11 |
| Wheat | 1 75 | 1 75 |
| Flour [SUPERFINE] | 2 50 | 2 50 |
| Flour [FINE] | 2 40 | 2 40 |
| Corn | 1 00 | 1 00 |
| Rice, per ton | 200 00 | 200 00 |
| Iron | 110 00 | 110 00 |
| Bacon | 100 12 | 100 12 |
| Whiskey | 99 54 | 99 54 |

By virtue of a deed of Trust, from Andrew Lewis, of the county of Montgomery, will be sold, by the subscriber, to the highest bidder, for ready money, at the Eagle Tavern in the city of Richmond, upon the twentieth day of June next, the following

TRACTS of LAND,

with their appurtenances, or so much thereof as may be necessary to pay certain debts in the said deed of trust mentioned, that is to say:

ONE tract situate in the county of Montgomery, containing 800 acres, being that TRACT on which the said Andrew Lewis now lives—one other TRACT adjoining the last mentioned on the north, containing one thousand acres—one other tract adjoining the first mentioned, being an inclusive survey, containing seven thousand seven hundred and sixty six acres—one other tract adjoining the last mentioned at the west end, containing four hundred and fourteen acres—one other tract called the CHESNUT NECK, containing three hundred and sixty six acres—one other tract called SEYENAS TRACT on Bottom Creek adjoining the first mentioned tract of eight hundred acres, and containing one hundred and fifty acres—one other tract also adjoining the first mentioned tract called PROTHOUS Garden, containing one hundred and twenty eight acres—one other tract adjoining the last mentioned, containing one hundred and thirty acres—one other tract adjoining the inclusive survey of seven thousand seven hundred and sixty six acres, containing eighty acres—one other tract adjoining the same inclusive survey and containing one hundred acres—one other tract lying on both sides of Little River, containing one hundred and fifty acres, on which is situated Hopewell Forge—one other tract adjoining the same, containing one hundred and forty acres—one other tract adjoining the same, called the Sawmill tract, containing four hundred and thirty eight acres—one other tract adjoining the last mentioned tract, containing one hundred acres—which said several tracts of land are situate in the county of Montgomery.

EDWARD JOHNSTON,

Surviving Trustee.

N. B. The above mentioned property is situate on and about what is generally called the BENT MOUNTAIN, and considered a very valuable estate, particularly for grazing. Any one wishing for more particular information, may apply to Charles Johnston, residing in Campbell county, near Lynchburg, or to Robert Pollard, George Pinkett, or Gallego, Richard & Co. in the city of Richmond.

May 27th, 1811. (t d)

A CARD.

L. H. GIRARDIN

INFORMS such Parents and Guardians in the country, as have applied to him on the subject of board, that, having rented the house next to the tenement already in his occupancy, he will be able to admit into his family a few small boys, whose studies and morals he will himself superintend.

In consequence of the above arrangement, the male and female pupils will be taught in separate houses.—The co-operation of the present Professors, is placed on a permanent and enlarged footing.

Richmond, May 16, 1811. St.

FALL GOODS.—The subscriber has received by the Averick from London and Cork from Liverpool, a general assortment of

GOODS,

suitable to the season.

—AMONG THEM ARE—
London and Yorkshire Superfine Cloths and Cassimeres
Union, Bedford and Bennet Gords,
Swansdowns, Tullinettes and Dinm's 5-4 and 6-4 dble. Mill'd Cloths,
Coatings, Bearskin, Frieze, Flannels & Balizes,
Plym's Kersey's and Blankets,
Gough and Brahma's super Cottons,
Yan Hoes, Worsted and Cotton Stockings,
Ribbs, Shawls and Muslins,
Silk Velvets and Sewing Silks,
Irish Linens and Drogheda's,
Queen's Cord, Velvets, Thicksets and Constitution Cords,
A good assortment of Saddlery, Hardware and Cutlery,
Smiths Bellows, Anvils and Vises,
Flat Bar, Crawley & English Blistered Steel,
He continues to transact business on commission, and has for sale,

ON CONSIGNMENT,

Queen's Ware, Whiskey, Shad and Bar Iron

ROBERT GAMBLE.

Richmond, Nov. 9, 1810. ff.

To Stone Masons.

THE Subscriber has a job of STONE WORK of considerable extent, which he wishes to let, and for which he will pay a liberal price to an expeditious and punctual undertaker.

John Mayo.

Richmond, May 20th, 1811. St.

JUST arrived per the Brig Diligence capt. Tracey, from Liverpool, a very general assortment of

GOODS,

contained in 313 packages, and will be sold by the piece or package—viz—
Superfine Cloths, single and Dble. Milled Cassimeres, Swansdowns, Dble. Milled Drabs, Coatings, Duffin, Plains, Kerseys, Kendal Cottons, Rose and Duffin Blankets, Pellicse Cloths, Plain and Spotted Flannels, Imperial and Fancy Cords, Velvets, Velveteen, Velvetts, and Tabby Velvetts, Ladies, Gentlemen and Youths' Worsted and Cotton Hosiery, Negroes do. Irish Linens, Brown Holland, Shirting Cottons, White and Colord. Cotton Cambrics, Calicoes, Dimities, Jeans, a great variety of Muslins, 6-4 Seeded Mull Robes, Jubilee Corded Gauze, Cut and Diagonal Spider Stripes, Jubilee Corded Jaconet, Birdseye, and C Diapers, Towellings, and Table Damask, Cotton and Thread Edgings and Laces, Fancy Embroidered Muslin Trimmings, Ladies Bordered and Printed Pocket Handks, Fancy Romalls, Madras and Pulicat, do. Fancy Silk and Cotton Gingham, Men's Silk Hats, Men's and Boy's Wool do. Servants' Glazed do. Suspenders, Sewing Cotton and Thread assorted, Coach Lace, Gallions, &c. &c.

Together with a great variety of HARDWARE AND CUTLERY, and a few Cases particularly suitable for Country Stores, Men's Saddle Trees, Chaise do. Blacksmith's Tools, Slaters,
—ALSO—ELEGANT TABLE CHINA SETS, well assorted, Crates and Castors. The balance of the Fall supply is expected by the first arrivals from Europe.

ON HAND,

Powder and Shot assorted, Cotton and Wool Cards assorted, Swedish and Country Iron, Jamaica and Antigua Rum, imported in 1805, New do. Pennsylvania Whiskey, Green Coffee, Salt, Rice, Cotton, Flax, Indigo, Copperas, Salt Petre, Cut and Wrought Nails assorted, Bar Lead, Soap, Cut Herrings, Tar, Lumber, &c. &c.

I would, also sell, 7,000 Bbls. Tar, Turpentine and Resin, 150,000 White and Red Oak stoghead Staves, deliverable in Norfolk, or at Oak Point. Cash given for Country Produce.

CHARLES WHITLOCK.

Richmond, Oct. 12, 1810. [e p f]

WANTS a place in a genteel family, a Lady capable of Teaching Reading, Writing & Arithmetic—also Plain Work and Marking, and also will instruct them in making their own Dresses.—Enquire of the Printer.

May 16 3t.

CITY OF RICHMOND:—In pursuance of an Ordinance of the Common Hall of the said City, entitled "An Ordinance to amend the Ordinance to prevent dogs from going at large in the City of Richmond," Notice is hereby given, that no dogs will be permitted to run at large within the said City between the first day of next month and the fifteenth day of September next.

N. Sheppard, Clk. Co. Hall. May 17th, 1811. 1st

PROPOSALS will be received by the Executive, for the sale of the following SLAVES, at this time confined in the Penitentiary, and prepared for sale and transportation:

ISAAC POINTER, 21 years of age, 5 feet 6 inches high, yellow complexion.

DICK KEN, 25 years of age, 5 feet 6 inches high, dark complexion.

DICK ARMSTEAD, 26 years of age, 5 feet 5 inches high, dark complexion.—Repe Maker.

BOB ARMSTEAD, 20 years of age, 5 feet 2 inches high, dark complexion.

JACOB, 18 years of age, 5 feet 2 inches high, dark complexion.

FANNY, 17 years of age, 5 feet 4 inches high, dark complexion.—Spinster.

May 22d, 1811. (t f)

NOTICE.

THAT on Thursday the 28th inst. at 10 o'clock A. M. we shall attend at the City Hall, for the purpose of examining and finally passing the assessor's return of the city taxes for the present year. If there be any concerned, who conceive themselves aggrieved by the proceedings of that officer, they will be heard, and their several cases decided upon, by attending at the time and place above specified.

Benjamin Du'val, Samuel McCraw, Gabriel Riston, Equalizers of the City. Richmond, 20th May, 1811. 28th.]

For Sale,

A Few pair of BURN MIL STONES apply to M. Davidson. Richmond, 21st May, 1811. 3w.

CONGRESS.

IN SENATE.

BANK OF THE UNITED STATES.

MR. GILES' SPEECH

CONTINUED.

The express words of the constitution give to Congress the power "To lay and collect taxes, duties, imposts and excises, &c. &c." "To regulate commerce with foreign nations, amongst the several states, and with the Indian tribes;" "To exercise exclusive legislation in all cases whatever, &c. over all places purchased by consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, &c. other needful buildings." From these clauses of the constitution, taken in connection with each other, I think Congress possesses the power to erect light houses and custom houses by the express words of the constitution; for both of these descriptions of houses must necessarily be included within the term "needful buildings," or the only construction which is at all applicable to these cases, is, that needful buildings is the general term, and light houses and custom houses are particular instances or examples under the general term; or, if I may be so allowed to express my ideas, needful buildings may be considered as the genus, of which light houses and custom houses are particular species.—

The reason with the framers of the constitution for using this general term, is obvious. It was, because it was impossible for them to foresee all the particular species of needful buildings, which might become necessary to the salutary operations of this government in the course of its complicated, and due administration; they therefore wisely left that subject to the discretion of Congress, restrained & limited, nevertheless, by the requisition of the consent of the legislatures of the states respectively, in every case proposed for the exercise of this discretion.—That it is a plain and correct interpretation of the constitution, is evinced by the concurrent opinions of every legislature of every state, which has heretofore ceded lands for any of these objects; and it is to be remarked, that Congress has never attempted to erect any of these buildings without the constitutional requisition of the consent of the states respectively. But if this term "needful buildings" had not been expressed in the constitution, I should not hesitate to admit with these gentlemen, that the erection of light houses and custom houses might properly be deduced from the power to lay and collect taxes, duties, &c. &c. and from the power to regulate commerce, &c. which are particular grants of power enumerated in the constitution. Because custom houses are appropria cly necessary to the collection of duties, and have always been deemed indispensable for that object, as are light houses to the due regulation of commerce.

These two powers are indispensably connected with, and subservient to, particular enumerated powers, and are therefore amongst the means, which are necessary and proper for their effectuation; and as such, are given to Congress by the express words of the constitution; which are: Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." From this course of interpretation, the gentlemen, reasoning from a supposed analogy, have asked, if Congress can derive the right to erect light houses and custom houses, from their necessary agency in effectuating the particular powers to which they are said to be appendant or appurtenant; why may it not in the same way derive the right of granting charters of incorporation for the same objects? Or in other words, if Congress can constitutionally erect custom houses for the purpose, or as the necessary means, of collecting duties; why may it not establish a bank for the same object, &c.

&c. ? The question is admitted to be a fair one; and if a clear distinction cannot be made in the two cases, it will be admitted either that Congress may constitutionally establish a bank, or, that it has heretofore transcended its powers, in erecting custom houses, &c. A clear and most obvious distinction appears to me to exist in the cases suggested by the gentlemen to be analogous, arising from the striking difference in the nature and essential character of these powers. A custom house is in its nature incidental and subservient to the collection of duties. It is one of the common, necessary and proper means to effect that end. It is believed that in no commercial country in the world are duties collected without them. Besides the erection of custom houses does not involve in it the exercise of any other higher or consequential powers. The same remarks will apply to light houses, as amongst the common, necessary and proper means for the regulation of commerce, &c. &c.

Is the incorporation of a bank of this character? It is not amongst the common, necessary and proper means of effecting either of the foregoing enumerated powers, nor of any other enumerated in the constitution; still less is it incidental or subservient to any of the enumerated powers. It wants that connection, affiliation and subserviency to some enumerated power, which are clearly pointed out in relation to the two powers, to which it has been said to be analogous. Besides, does granting a charter of incorporation to a bank involve no other higher or consequential power, than merely erecting a needful building for collecting duties, &c. &c. ? It certainly does. It involves the power to grant charters of incorporation generally, and in this respect principally, its character is essentially different from both of the powers cited by the gentleman. The power to grant charters of incorporation is not an incidental, subordinate, subservient power; it is a distinct, original, substantive power; it is also susceptible of the clearest definition; and not being amongst the enumerated powers, it seems to me, that Congress can have no fair claim to its exercise in any case. If Congress had been expressly authorized to grant charters of incorporation generally, then granting a charter of incorporation to a bank would have been an instance or amongst the means, of carrying into effect that enumerated power; and would have been as much connected and affiliated with it, as is the erection of custom houses with the collection of duties; but the power to grant charters of incorporation generally not being expressly given in the constitution, no particular instance involving the exercise of that power can be inferred by a fair and candid interpretation of the instrument. I do not mean to exaggerate the consequences which might result from an assumption of the power to grant charters of incorporation, &c. &c. It is sufficient for me to say, that it is a power of primary importance; that it involves as many incidental powers in its exercise as any one of the enumerated powers; that it is equal, if not paramount to any; and therefore, in my judgment, cannot be assumed by fair construction as incidental, and subservient to any; and of course not as amongst the necessary and proper means for carrying any into effect. In fact in its nature it does not in the smallest degree partake of the derivative, incidental character. It is original, substantive, distinct in itself, and susceptible of the plainest definition. Hence whilst I am willing to admit, that a power, which is in its nature incidental and subservient to any enumerated power, and also amongst the necessary and proper means for carrying it into effect, may be exercised by Congress without the express words of the constitution; I should be very unwilling to admit, that Congress should also exercise a power neither incidental or subservient to any of the enumerated powers, nor amongst the necessary and proper means for carrying any into effect; still less should I be inclined to this admission, when the power thus proposed to be derived, incidentally or constructively, involves in it the exercise of almost unlimited powers. To

illustrate my idea still further in this respect, I would observe, that the power to regulate descents, and to regulate the distribution of intestates, I conceive to be original, distinct, substantive powers; and, being amongst the powers, which could in all respects be limited by the geographical boundaries of the individual states, and were therefore amongst the powers reserved to the management of the states, might as easily be assumed by Congress as incidental to some one of the enumerated powers, as the assumption of the power to grant charters of incorporation, which I conceive was, for the same reason, left to the management of the states. I believe no gentleman will contend that Congress can under any candid construction go so far in relation to those powers; nor do I see how it can in relation to the power of granting charters of incorporation.

I have not overlooked the observation, sir, made by gentlemen on destroying the effect of this course of reasoning—to wit, that the passing ever, law is an act of sovereignty; that to pass a law to erect a light house, is as much an act of sovereignty as to pass a law to lay and collect a tax, &c. or to grant a charter to a bank, &c. In fact there are no degrees of sovereignty. Without entering into this reasoning it will be sufficient to show its inapplicability to my argument, to observe, that I have not grounded my distinctions upon any suggested difference in the degrees of sovereignty; but upon the clear and obvious difference in the nature and character of the powers upon which this sovereignty, &c. is intended to operate, &c.

The gentleman from Georgia, (Mr Crawford) observed that the clause in the constitution, last read "Congress shall have power to pass all laws which shall be necessary and proper, &c." had been considered by some as entirely inoperative; but that he thought it a clause of great importance, &c. In this opinion I entirely concur with the gentleman; I consider it the most important clause in the constitution. It is in my judgment the true key for unlocking the meaning of all the other clauses. The former confederation did not possess the means necessary and proper for carrying into execution its own powers. It was dependant upon the state legislatures for that purpose; and it was too important a difference in the organization of the present and former government, to be left to construction. I was therefore expressed, to declare the true character of the present government; and to proclaim its sovereignty upon all the subjects of the enumerated powers. But, sir, the most important bearing of this clause appears to me to be, the designation of the department, which should be the ultimate depository of all the powers vested in the government by the constitution. Thus Congress is declared not only to have power to pass all laws which shall be necessary and proper for carrying into execution the powers particularly confided to its management, but "all other powers vested by this constitution in the government of the United States or in any department or officer thereof." This clause, I think, intended to settle all differences between the departments respecting the ultimate deposit of power, in which light it has been hitherto too little regarded. None of these considerations, however can vary in the smallest degree the results I have attempted to draw against the power of Congress to resort to unenumerated, original, substantive power, general in its character and operation, as the necessary and proper means for carrying into effect any of the enumerated powers.

This brings me to consider the observations of the gentleman (Mr Crawford) upon the 4th article of the constitution in the following words:—

"Full faith and credit shall be given in each state, to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof."

"The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."